

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR
REVOCATION OF THE CERTIFICATE OF

ADMINISTRATIVE ACTION

MYRIAM JOSEPH, C.H.H.A.
Certificate No. 26NH10619800

FINAL ORDER OF DISCIPLINE

HOMEMAKER HOME HEALTH AIDE
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Myriam Joseph ("Respondent") is the holder of certificate number 26NH10619800 and has been certified at all times hereto.

2. Upon receipt of a flagging notice advising that Respondent was arrested on April 22, 2013 by the East Orange Police Department for violation of N.J.S.A. 2C:12-3, Terroristic Threats, the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record in East Orange, New Jersey, via regular and certified

mail, on or about April 30, 2013. A response was due within twenty (20) days. The regular mailing was not returned; the certified mailing was returned to the Board as "unclaimed."

3. To date, Respondent has not provided a response to the Board's request for information.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2, -1.3, in violation of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Respondent's failure to provide the Board with a valid address constitutes a violation of N.J.A.C. 13:37-5.7.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking the suspension of Respondent's license to practice as a certified homemaker-home health aide in the State of New Jersey was entered on November 1, 2013. A copy was forwarded to Respondent's last known address by means of both regular and certified mail. The regular mail was not returned; the certified mail receipt was returned to the Board as "unclaimed". The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or

dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

In response to the Provisional Order of Discipline, the Board received a handwritten letter dated November 7, 2013. Respondent denied threatening her husband. Additionally, Respondent provided a police report and a disposition letter from the Municipal Court of the City of East Orange indicating that the charge against Respondent was dismissed.

The Board was persuaded that the submitted materials merited further consideration, since Respondent disputed the Findings of Fact or Conclusions of Law, the Provisional Order is made final with the modification that Respondent's certification is not suspended. However, the Board should not have to expend resources to file a POD in order for Respondent to respond to a Board request. Therefore, the fine is to be imposed.

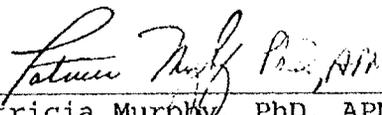
ACCORDINGLY, IT IS on this 19th day of September, 2014,

ORDERED that:

1. Respondent shall remit payment of a monetary penalty pursuant to N.J.S.A. 45:1-25 in the amount of \$200.00 by

certified check or money order payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after notice of the entry of this Final Order is served in this matter, including any Order which is finalized by default. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By: 
Patricia Murphy, PhD, APN
President